

FILED

AUG 13 2007

(3)  
P&

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 WHITNEY A. DAVIS, #149523  
2 **CHARTER DAVIS, LLP**  
3 Attorneys at Law  
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5 Attorneys for VIAD CORP, and THE DIAL  
6 CORPORATION, individually  
7 and as alleged successors-in-interest  
to Griscom-Russell Company

7

8

UNITED STATES DISTRICT COURT

EDL

9

NORTHERN DISTRICT OF CALIFORNIA

10

C 07 4155

11 ROBERT GARRITANO, )  
12 Plaintiff, )  
13 v. )  
14 ASBESTOS DEFENDANTS (B♦P) As )  
Reflected on Exhibits B, B-1, C, H, I; and )  
15 DOES 1-8500. )  
16 Defendants. )  
17

) Federal Case No.

) State Case No. CGC 06-452792

) NOTICE OF REMOVAL OF ACTION  
PURSUANT TO 28 U.S.C. SECTIONS  
1442(a)(1) AND 1446(a)

BY FAX

18

**TO THE CLERK OF THE ABOVE-REFERENCED COURT:**

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**PLEASE TAKE NOTICE** that Defendant, VIAD CORP, and THE DIAL  
20 CORPORATION, individually and as alleged successors-in-interest to Griscom-Russell  
21 Company (hereinafter "VIAD"), hereby removes to this Court the state court action described  
22 below, pursuant to 28 U.S.C. sections 1442(a)(1) and 1446(a).

23

**PRELIMINARY MATTERS**

24

1. On June 1, 2006, Plaintiff ROBERT GARRITANO, filed this lawsuit  
25 ("Complaint") in the Superior Court of the State of California, County of San Francisco, Case  
26 No. CGC 06-452792, and entitled ROBERT GARRITANO vs. ASBESTOS DEFENDANTS,  
27 et al. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

28

//

1           2. Defendant VIAD first received the Complaint on July 11, 2007, with a Summons  
2 reflecting that service of process took place by process server on VIAD's authorized agent on  
3 July 11, 2007. A true and correct copy of the summons is attached hereto included in Exhibit  
4 "B".

5       3. This Notice of Removal is timely in that it is filed within 30 days of service of the  
6 Complaint, with three additional days added by Rule 6 by which VIAD received its first notice  
7 of the facts indicating that the case was removable within the meaning of 28 U.S.C. §1446(b).

### **NATURE OF THE CASE**

9       4. This case is based upon Plaintiff ROBERT GARRITANO developed an asbestos-  
10 related disease, specifically asbestosis, allegedly caused by his exposure to asbestos dust and/or  
11 fibers.

12       5. Plaintiffs assert negligence, strict product liability, false representation, concert of  
13 action, and fraud, against VIAD.

## **CONCLUSION**

15       6. Removal of this action is proper under 28 U.S.C. §1442, because it is a civil action  
16 brought in a state court, and the federal district courts have original jurisdiction over the subject  
17 matter pursuant to 28 U.S.C. §1442(a)(1) because VIAD CORP, as the alleged successor-in-interest  
18 to Griscom-Russell Company, was acting under an officer or agency of the United States  
19 government, namely the United States Navy.

20 THEREFORE, VIAD, pursuant to these statutes and in conformance with the requirements  
21 set forth in 28 U.S.C. §1446, remove this action for trial from the Superior Court of the State of  
22 California for the County of San Francisco.

23 | Dated: August 13, 2007

CHARTER DAVIS, LLP

By: /s/ Whitney A. Davis

Attorneys for Defendant Viad Corp., individually and as alleged successor-in-interest to Griscom-Russell Company



1 DAVID R. DONADIO, ESQ., S.B. #154436  
2 BRAYTON♦PURCELL LLP  
3 Attorneys at Law  
4 222 Rush Landing Road  
5 P.O. Box 6169  
6 Novato, California 94948-6169  
7 (415) 898-1555  
8 Attorneys for Plaintiff

ENDORSED  
FILED  
*San Francisco County Superior Court*

JUN 1 2006

GORDON PARK-LI, Clerk  
BY: CHRISTINA E. BAUTISTA  
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

SUPERIOR COURT OF CALIFORNIA JUN 21 2007 -1PM  
COUNTY OF SAN FRANCISCO DEPARTMENT 206

11 ROBERT GARRITANO,

CGC-06-452792  
No.

12 Plaintiff,

13 vs.

14 ASBESTOS DEFENDANTS (B♦P)  
As Reflected on Exhibits B, B-1, C, H,  
15 I; and DOES 1-8500; and SEE  
ATTACHED LIST.

COMPLAINT FOR PERSONAL INJURY -  
ASBESTOS

17 1. Plaintiff ROBERT GARRITANO was born December 15, 1931.

18 2. The ©Brayton♦Purcell Master Complaint for Personal Injury |and Loss of  
19 Consortium]- Asbestos (hereinafter "Master Complaint") was filed January 2, 2003, in San  
20 Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be  
21 obtained upon request from Brayton♦Purcell, and designated portions of the Master Complaint  
22 are incorporated by reference herein pursuant to the authority conferred by General Order No. 55.  
23 Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

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25 ///

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<u>Cause of Action</u>	<u>B</u>	<u>B-1</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>
First (Negligence)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second (Strict Liability)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Third (False Representation)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fourth (Loss of Consortium)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fifth (Premises Owner/Contractor Liability)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>									
Sixth, Seventh, Eighth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)				<input type="checkbox"/>									
Ninth (Longshore and Harbor Workers Compensation Act [LHWCA])						<input type="checkbox"/>			<input type="checkbox"/>				
Tenth, Eleventh (F.E.L.A.)									<input type="checkbox"/>				
Twelfth, Thirteenth (Respiratory Safety Devices)									<input type="checkbox"/>		<input checked="" type="checkbox"/>		
Fourteenth, Fifteenth (Brake Shoe Grinding)									<input type="checkbox"/>				
Sixteenth (Concert of Action)										<input checked="" type="checkbox"/>			
Seventeenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation/Concealment)											<input type="checkbox"/>		
Nineteenth (Fraud/Deceit/ Intentional Misrepresentation)												<input type="checkbox"/>	
Twentieth (Fraud/Deceit - Kent)												<input type="checkbox"/>	

\*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

3. Plaintiff's asbestos-related injury, date of diagnosis, employment status, and  
history of exposure to asbestos are as stated on Exhibit A.

3           4. Plaintiff's claims against defendant VIACOM, INC. (successor by merger to  
4 CBS CORPORATION which is successor-in-interest to WESTINGHOUSE ELECTRIC  
5 CORPORATION) exclude military and federal government jobsites.

6 Dated: 3-23-06,

BRAYTON PURCELL LLP

By: David R. Donadio  
Attorneys for Plaintiff

EXHIBIT A

Plaintiff's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Navy	Naval Training Center Great Lakes, IL  <u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA	Trainee  Fireman	1950  1951-1952
	<u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY	Boiler Operator	1953
	<u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39)	Boiler Operator	1954
Crosby Valve and Gauge Wrentham, MA	Crosby Valve and Gauge Wrentham, MA  Chevron (Standard) Richmond, CA	Service Technician	1957-1974
	Mobil Oil Joliet, Illinois		
	Standard Oil of Ohio Lima, Ohio		
	Standard Oil Joliet, Illinois		
	Murphy Oil, Superior, WI		
	Rail Road Turnaround, Chicago, IL		
	Shell Oil Wood River, IL		
	Standard Oil Sugar Creek, MO		

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EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Crosby Valve and Gauge Wrentham, MA (cont'd.)	Lion Oil Company El Dorado, AR	Service Technician	1957-1974
	Clark Oil Blue Island, IL		
	Amoco Oil Whiting, IL		
	Marathon Oil Co. Detroit, MI		
	Koch Refinery St. Paul, MN		
	Marathon Oil Co. St. Paul Park, MN		
	U.S. Steel Gary, Indiana		
	Masonite Corp. Laurel, MS		
	Union Carbide, Address unknown		
	Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to:		
	<b>HMAS PERTH</b> (Australian Navy)		
	<b>HMAS HOBART</b> (Australian Navy)		
Protectoseal Co. Chicago, IL	Protectoseal Co. Chicago, IL	Sales Manager	1974-1976
	Standard Oil Sugar Creek, MO		
	Exxon Refinery, Baton Rouge, LA		
	Citgo Petroleum Corp. Lake Charles, LA		

EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Protectoseal Co. Chicago, IL (cont'd.)	Marathon Oil St. Paul Park, MN	Sales Manager	1974-1976
	Owens-Illinois Glass Alton, IL		
	Dow Chemical East St. Louis, IL		
	Clark Oil Blue Island, IL		
	Lemont Refining, Lemont, IL		
	Chevron (Standard) Richmond, CA		
Fike Metal Products Blue Springs, Missouri	Fike Metal Products Blue Springs, Missouri	Sales Manager	1976-1979
	Exxon Baton Rouge, LA		
	Standard Oil Sugar Creek, MO		
	Shell Oil Martinez, CA		
	Mobil Chickasaw, AL		
	Shell Chemical Saraland, AL		
	Lion Oil Company El Dorado, AR		
	Chevron (Standard) Richmond, CA		
	Lemont Refining Lemont, IL		
	Clark Oil Blue Island, IL		

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EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Shell Oil Wood River, IL	Sales Manager	1976-1979
	Unknown location, Mount Vernon, IL		
	Amoco Whiting, Indiana		
	El Dorado Refining Co. El Dorado, KS		
	Farmland Industries Inc., Coffeyville, KS		
	Continental Oil, Westlake, LA		
	Marathon Oil Garyville, LA		
	Citgo Petroleum Corp., Lake Charles, LA		
	Marathon Oil Detroit, MI		
	Koch Oil St. Paul, MN		
	Marathon Oil St. Paul Park, MN		
	Standard Oil of Ohio Lima, Ohio		
	Phillips 66 Co. Kuparuk (Anchorage), AK		
	Chevron (Standard Oil) Honolulu, HI		
	Dow Chemical East St. Louis, IL		
	Owens-Illinois Glass Alton, IL		

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EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Irwin Chemical Co. Des Moines, Iowa	Sales Manager	1976-1979
	USI Chemical Co. Clinton, Iowa		
Crane Valves Nuclear Division Atlanta, GA	Crane Valves Atlanta, GA	Sales Manager (Regional)	1979-1985
	Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL		
	Duke Power Oconee Nuclear Powerhouse, Seneca, SC		
	Mississippi Power and Light		
	Alabama Power and Light		
	Texas Utility		
	Chevron Richmond, CA		
	Shell Oil Wood River, IL		
	Standard Oil Joliet, Illinois		
	Mobil Oil Joliet, IL		
	Browns Ferry Nuclear Power Plant (TVA) Athens, AL		
	Maracaibo Chemical Maracaibo, Venezuela		

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EXHIBIT A

1                   EXHIBIT A (cont'd.)

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3       Plaintiff's exposure to asbestos and asbestos-containing products caused severe and  
4       permanent injury to the plaintiff, including, but not limited to breathing difficulties, asbestosis,  
5       and/or other lung damage, and increased risk and fear of developing mesothelioma, lung cancer  
6       and various other cancers. Plaintiff was diagnosed with asbestosis on or about June 14, 2004.

7       Plaintiff retired from his last place of employment at regular retirement age. He has  
8       therefore suffered no disability from his asbestos-related disease as "disability" is defined in  
9       California Code of Civil Procedure § 340.2.

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EXHIBIT A

EXHIBIT B

**DEFENDANTS**

3	AMERICAN STANDARD, INC.	PLANT INSULATION COMPANY
	AQUA-CHEM, INC.	QINTEC INDUSTRIES, INC.
4	ASBESTOS CORPORATION LIMITED	RAPID-AMERICAN CORPORATION
	CROWN CORK & SEAL COMPANY, INC.	RILEY POWER INC.
5	THOMAS DEE ENGINEERING CO., INC.	THORPE INSULATION COMPANY
	DURABLA MANUFACTURING COMPANY, INC.	UNIROYAL HOLDING, INC.
6	THE GOODYEAR TIRE & RUBBER COMPANY	VIACOM, INC.
7	FOSTER WHEELER LLC	WESTERN MacARTHUR COMPANY
	GARLOCK SEALING TECHNOLOGIES, LLC	MacARTHUR COMPANY
8	GENERAL REFRACTORIES	WESTERN ASBESTOS COMPANY
	GENERAL ELECTRIC COMPANY	IMO INDUSTRIES, INC.
9	OWENS-ILLINOIS, INC.	INGERSOLL-RAND COMPANY
	PARKER-HANNIFIN CORPORATION	DOES 1-800

## ALTERNATE ENTITY

12	CROWN CORK & SEAL COMPANY, INC.	MUNDET CORK COMPANY
13	FOSTER WHEELER LLC	FOSTER WHEELER CORPORATION
14	GARLOCK SEALING TECHNOLOGIES, LLC	GARLOCK, INC. COLTEC INDUSTRIES, INC. FAIRBANKS-MORSE FAIRBANKS MORSE ENGINES BELMONT PACKING & RUBBER CO. GARLOCK PACKING CO. U.S. GASKET CO. GOODRICH CORPORATION ENPRO INDUSTRIES, INC.
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19	GENERAL ELECTRIC COMPANY	MATTERN X-RAY HOTPOINT ELECTRIC APPLIANCE COMPANY LIMITED TRUMBULL ELECTRIC MANUFACTURING COMPANY G E INDUSTRIAL SYSTEMS CURTIS TURBINES PARSONS TURBINES GENERAL ELECTRIC JET ENGINES
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21		
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24	UNIROYAL HOLDING, INC.	UNIROYAL, INC.
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**EXHIBIT B**

1                   EXHIBIT B (cont'd.)

2                   ALTERNATE ENTITY

3 RILEY POWER, INC.

BABCOCK BORSIG POWER, INC.  
DB RILEY, INC.  
RILEY STOKER CORPORATION  
BÄDENHAUSEN  
UNION IRON WORKS  
UNION IRON WORKS OF SPOKANE, WA

4 VIACOM, INC.

CBS CORPORATION  
WESTINGHOUSE ELECTRIC CORPORATION  
WESTINGHOUSE ELECTRIC AND  
MANUFACTURING COMPANY  
B.F. STURTEVANT  
KPIX TELEVISION STATION  
PARAMOUNT COMMUNICATIONS, INC.

5 IMO INDUSTRIES, INC.

TRANSAMERICA DELAVAL, INC.  
ENTERPRISE ENGINE & MACHINERY CO.  
DE LAVAL STEAM TURBINE, INC.  
DELAVAL STEAM TURBINE  
DELAVAL INDUSTRIES INC.  
DE LAVAL TURBINE, INC.  
GENERAL METALS CORPORATION

6 INGERSOLL-RAND COMPANY

INGERSOLL-DRESSER PUMP  
DRESSER-RAND CO.  
PACIFIC PUMP WORKS  
FLOWSERVE CORPORATION  
INGERSOLL ROCK DRILL COMPANY  
TERRY STEAM TURBINE CO.  
RAND DRILL COMPANY  
RAND & WARING DRILL AND COMPRESSOR COMPANY  
INGERSOLL-SERGEANT  
SCHLAGE LOCK COMPANY  
VON DUPRIN  
THE TORRINGTON COMPANY  
BLAW-KNOX COMPANY

23                   EXHIBIT B-1

24                   DEFENDANTS

25 HOPEMAN BROTHERS, INC.  
J.T. THORPE & SON, INC.  
26 DOES 1-800; DOES 1001-2000

27                   //

28                   //

EXHIBITS B, B-1

EXHIBIT B-1 (cont'd.)ALTERNATE ENTITY

1 J.T. THORPE & SON, INC. THE THORPE COMPANY  
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EXHIBIT CDEFENDANTS

9 SHELL OIL COMPANY THORPE INSULATION COMPANY  
 10 CHEVRON PRODUCTS COMPANY WESTERN MacARTHUR COMPANY  
 11 HOPEMAN BROTHERS, INC. MacARTHUR COMPANY  
 12 J.T. THORPE & SON, INC. WESTERN ASBESTOS COMPANY  
 13 PLANT INSULATION COMPANY DOES 1001-2000

ALTERNATE ENTITY

13 CHEVRON PRODUCTS COMPANY CHEVRON U.S.A. PRODUCTS COMPANY  
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CHEVRON CORPORATION PRODUCTS COMPANY  
 CHEVRON CORPORATION  
 CHEVRON OIL REFINERY  
 CHEVRON CHEMICAL COMPANY  
 WILSHIRE OIL  
 STANDARD OIL COMPANY OF CALIFORNIA  
 STANDARD OIL COMPANY OF CALIFORNIA,  
 WESTERN OPERATIONS, INC.  
 GULF OIL COMPANY  
 GULF OIL OF CALIFORNIA  
 GULF OIL CORPORATION  
 GULF OIL PRODUCTS COMPANY  
 CHEVRON RESEARCH AND  
 TECHNOLOGY  
 PACIFIC OIL REFINING  
 PACIFIC REFINING CO.  
 SEQUOIA REFINING CORP.  
 CHEVRON U.S.A., INC.  
 CHEVRON U.S.A. PRODUCTS, INC.

PREMISES OWNER  
DEFENDANTSLOCATIONTIME PERIOD

SHELL OIL COMPANY Shell Oil Refinery, Martinez, CA 1976-1979

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EXHIBIT C

1                   EXHIBIT C (cont'd.)

2 <u>PREMISES OWNER</u>	3 <u>DEFENDANTS</u>	4 <u>LOCATION</u>	5 <u>TIME PERIOD</u>
6                   CHEVRON PRODUCTS COMPANY		Standard Oil, Richmond, CA	1957-1974; 1974-1976; 1976-1979; 1979-1985
7 <u>CONTRACTOR</u>	8 <u>DEFENDANTS</u>	9 <u>LOCATION</u>	10 <u>TIME PERIOD</u>
	HOPEMAN BROTHERS, INC.	Mare Island Naval Shipyard- Vallejo, CA	11                   1/01/42-1952
		Federal Shipbuilding & Drydock- Kearny, NJ	12                   1952
		Newport News Shipbuilding & Drydock-Newport News, VA	13                   12/31/88
	J.T. THORPE & SON, INC.	Various	14                   Various
	PLANT INSULATION COMPANY	Various	15                   Various
	THORPE INSULATION COMPANY	Various	16                   Various
	WESTERN MacARTHUR COMPANY/MacARTHUR COMPANY/WESTERN ASBESTOS COMPANY	Various	17                   Various

28                   EXHIBIT C

1

EXHIBIT H

2 DEFENDANTS

3 METROPOLITAN LIFE INSURANCE COMPANY STUART-WESTERN, INC.  
4 PNEUMO ABEX LLC RITESET MANUFACTURING COMPANY  
4 BORGWARNER MORSE TEC, INC. ASBESTOS MANUFACTURING COMPANY  
5 HONEYWELL INTERNATIONAL, INC. (successor-in- FIBRE & METAL PRODUCTS COMPANY  
interest to ALLIEDSIGNAL, INC.) LASCO BRAKE PRODUCTS  
5 THE BUDD COMPANY L.J. MILEY COMPANY  
6 DAIMLERCHRYSLER CORPORATION ROSENDALE-RUBOIL COMPANY  
7 DANA CORPORATION SOUTHERN FRICTION MATERIALS COMPANY  
7 FORD MOTOR COMPANY U.S. SPRING & BUMPER COMPANY  
8 GENERAL MOTORS CORPORATION AUTO FRICTION CORPORATION  
8 BRIDGESTONE/FIRESTONE EMSCO ASBESTOS COMPANY  
8 NORTH AMERICAN TIRE, LLC FORCEE MANUFACTURING CORPORATION  
9 LEAR SIEGLER DIVERSIFIED HOLDINGS CORP. MOLDED INDUSTRIAL FRICTION CORPORATION  
10 MAREMONT CORPORATION NATIONAL TRANSPORT SUPPLY, INC.  
10 MORTON INTERNATIONAL, INC. SILVER LINE PRODUCTS, INC.  
11 PARKER-HANNIFIN CORPORATION STANDCO, INC.  
11 STANDARD MOTOR PRODUCTS, INC. UNIVERSAL FRICTION MATERIALS COMPANY  
12 GATKE CORPORATION WHEELING BRAKE BLOCK MANUFACTURING  
12 GARLOCK SEALING TECHNOLOGIES, LLC COMPANY  
13 BRASSBESTOS BRAKE LINING COMPANY OWENS-ILLINOIS, INC.  
13 H. KRASNE MANUFACTURING COMPANY BELL ASBESTOS MINES LTD.  
13 AUTO SPECIALTIES MANUFACTURING COMPANY DOES5000-8000  
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EXHIBIT I

18 DEFENDANTS

19 METROPOLITAN LIFE INSURANCE COMPANY  
OWENS-ILLINOIS, INC.  
20 PNEUMO ABEX LLC  
GATKE CORPORATION  
21 GARLOCK SEALING TECHNOLOGIES, LLC  
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
22 UNDERWRITERS LABORATORIES, INC.  
DOES5000-7500  
23  
24  
25  
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EXHIBITS H, I

1 DAVID R. DONADIO, ESQ., S.B. #154436  
2 BRAYTON•PURCELL LLP  
3 Attorneys at Law  
4 222 Rush Landing Road  
5 P.O. Box 6169  
6 Novato, California 94948-6169  
7 (415) 898-1555

5 Attorneys for Plaintiff

ENDORSED  
FILED  
*San Francisco County Superior Court*

JUN 1 2006

GORDON PARK-LI, Clerk  
BY CRISTINA E. BAUTISTA  
CASE MANAGEMENT CONFERENCE WORK

8 SUPERIOR COURT OF CALIFORNIA JUN 1 2007 -10PM  
9 COUNTY OF SAN FRANCISCO DEPARTMENT 206

11 ROBERT GARRITANO, )  
12 Plaintiff, )  
13 vs. )  
14 ASBESTOS DEFENDANTS (B•P) )

No.  
**CGC-06-452792**

PRELIMINARY FACT SHEET/NEW  
FILING/ASBESTOS LITIGATION

(See General Order No. 129, In Re:  
Complex Asbestos Litigation)

BRAYTON•PURCELL LLP  
ATTORNEYS AT LAW  
222 RUSH LANDING ROAD  
PO BOX 6169  
NOVATO, CALIFORNIA 94948-6169  
(415) 898-1555

17 NOTICE

18 TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE  
19 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF  
SAN FRANCISCO

20 You have been served with process in an action which has been designated by the Court  
as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This  
21 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior  
Court No. 828684].

22 This litigation is governed by various general orders, some of which affect the judicial  
management and/or discovery obligations, including the responsibility to answer interrogatories  
deemed propounded in the case. You may contact the Court or Designated Defense Counsel,  
Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:  
(510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at  
25 your expense.

26 1. State the complete name and address of each person whose claimed exposure to asbestos is  
27 the basis of this lawsuit ("exposed person"): Robert Garritano, 6701 West 146th Terrace, Apt.  
#1205, Overland Park, Kansas 66223.

1       2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four  
 2       months?        Yes        No

3       [If yes, the action will be governed by General Order No. 140; if no, the action will be governed  
 4       by General Order No. 129.]

5       3. Date of birth of each exposed person in item one and, if applicable, date of death:

6              Date of Birth: 12/15/31

7              Date of Death: N/A

8       Social Security Number of each exposed person:

9              327-24-9321

10      4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

11       Asbestosis        Mesothelioma

12       Pleural Thickening/Plaques        Other Cancer: Specify: \_\_\_\_\_

13       Lung Cancer Other Than Mesothelioma        Other: Specify: \_\_\_\_\_

14      5. For purposes of identifying the nature of exposure allegations involved in this action, please  
 15      check one or more:

16       Shipyard        Construction        Friction-Automotive

17       Premises        Aerospace        Military

18       Other: Specify all that apply: Industrial/Refinery

19      If applicable, indicate which exposure allegations apply to which exposed person.

20      6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,  
 21      provide the beginning and ending year(s) of each such exposure. Also specify each exposed  
 22      person's employer and job title or job description during each period of exposure. (For example:  
 23      "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure  
 24      might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized  
 25      descriptions such as "merchant marine" or "construction". If an exposed person claims exposure  
 26      during only a portion of a year, the answer should indicate that year as the beginning and ending  
 27      year (e.g., 1947-1947).

28      ///

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	U.S. Navy	Naval Training Center Great Lakes, IL	Trainee	1950
4		<u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA	Fireman	1951-1952
7		<u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY	Boiler Operator	1953
9		<u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39)	Boiler Operator	1954
11	Crosby Valve and Gauge Wrentham, MA	Crosby Valve and Gauge Wrentham, MA	Service Technician	1957-1974
13		Chevron (Standard) Richmond, CA		
14		Mobil Oil Joliet, Illinois		
16		Standard Oil of Ohio Lima, Ohio		

(Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

18. 7. For each exposed person who:

19. a. worked in the United States or for a U.S. agency outside the territorial United States,  
20. attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed  
21. Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);

22. b. may have had a Social Security disability award or is no longer employed and whose  
23. last employment was not with a United States government agency, attach to the copy of this fact  
24. sheet provided to Designated Defense Counsel a fully executed Social Security Disability  
25. authorization (Exhibit N-5 to General Order No. 129);

26. c. served at any time in the United States military, attach to the copy of this fact sheet  
27. provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit  
28. N-3 to General Order No. 129);

1           d. was employed by the United States government in a civilian capacity, attach to the  
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of  
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated  
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also  
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 | 9. State the date of the filing of the initial complaint in this matter:

June 1, 2006

By:

Attorney for Plaintiff

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Crosby Valve and Gauge Wrentham, MA (cont'd.)	Standard Oil Joliet, Illinois	Service Technician	1957-1974
2		Murphy Oil, Superior, WI		
3		Rail Road Turnaround, Chicago, IL		
4		Shell Oil Wood River, IL		
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6		Standard Oil Sugar Creek, MO		
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8		Lion Oil Company El Dorado, AR		
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10		Clark Oil Blue Island, IL		
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12		Amoco Oil Whiting, IL		
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14		Marathon Oil Co. Detroit, MI		
15				
16		Koch Refinery St. Paul, MN		
17				
18		Marathon Oil Co. St. Paul Park, MN		
19				
20		U.S. Steel Gary, Indiana		
21				
22		Masonite Corp. Laurel, MS		
23				
24		Union Carbide, Address unknown		
25				
26		Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to:		
27				
28		<b>HMAS PERTH</b> (Australian Navy)		
		<b>HMAS HOBART</b> (Australian Navy)		

	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Protectoseal Co. Chicago, IL	Protectoseal Co. Chicago, IL	Sales Manager	1974-1976
2		Standard Oil Sugar Creek, MO		
3		Exxon Refinery, Baton Rouge, LA		
4		Citgo Petroleum Corp. Lake Charles, LA		
5				
6		Marathon Oil St. Paul Park, MN		
7		Owens-Illinois Glass Alton, IL		
8		Dow Chemical East St. Louis, IL		
9		Clark Oil Blue Island, IL		
10		Lemont Refining, Lemont, IL		
11		Chevron (Standard) Richmond, CA		
12				
13	Fike Metal Products Blue Springs, Missouri	Fike Metal Products Blue Springs, Missouri	Sales Manager	1976-1979
14				
15		Exxon Baton Rouge, LA		
16		Standard Oil Sugar Creek, MO		
17		Shell Oil Martinez, CA		
18		Mobil Chickasaw, AL		
19		Shell Chemical Saraland, AL		
20		Lion Oil Company El Dorado, AR		
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	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1	Fike Metal Products Blue Springs, Missouri (cont'd.)	Chevron (Standard) Richmond, CA	Sales Manager	1976-1979
2		Lemont Refining Lemont, IL		
3		Clark Oil Blue Island, IL		
4		Shell Oil Wood River, IL		
5		Unknown location, Mount Vernon, IL		
6		Amoco Whiting, Indiana		
7		El Dorado Refining Co. El Dorado, KS		
8		Farmland Industries Inc., Coffeyville, KS		
9		Continental Oil, Westlake, LA		
10		Marathon Oil Garyville, LA		
11		Citgo Petroleum Corp., Lake Charles, LA		
12		Marathon Oil Detroit, MI		
13		Koch Oil St. Paul, MN		
14		Marathon Oil St. Paul Park, MN		
15		Standard Oil of Ohio Lima, Ohio		
16		Phillips 66 Co. Kuparuk (Anchorage), AK		
17		Chevron (Standard Oil) Honolulu, HI		
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	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
1				
2	Fike Metal Products Blue Springs, Missouri (cont'd.)	Dow Chemical East St. Louis, IL	Sales Manager	1976-1979
3				
4		Owens-Illinois Glass Alton, IL		
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6		Irwin Chemical Co. Des Moines, Iowa		
7				
8		USI Chemical Co. Clinton, Iowa		
9	Crane Valves Nuclear Division Atlanta, GA	Crane Valves Atlanta, GA	Sales Manager (Regional)	1979-1985
10				
11		Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL		
12				
13				
14				
15		Duke Power Oconee Nuclear Powerhouse, Seneca, SC		
16				
17		Mississippi Power and Light		
18				
19		Alabama Power and Light		
20				
21		Texas Utility		
22		Chevron Richmond, CA		
23				
24		Shell Oil Wood River, IL		
25				
26		Standard Oil Joliet, Illinois		
27				
28		Mobil Oil Joliet, IL		
		Browns Ferry Nuclear Power Plant (TVA) Athens, AL		

1	<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
2	Crane Valves Nuclear Division Atlanta, GA (cont'd.)	Maracaibo Chemical Maracaibo, Venezuela	Sales Manager (Regional)	1979-1985
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**EXHIBIT B**

SUM-100

## SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

ASBESTOS DEFENDANTS (B&amp;P)

]As Reflected on Exhibits B, B-1, C, H, I; and DOES 1-8500;  
and SEE ATTACHED LIST.

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ROBERT GARRITANO

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de revisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT

400 McAllister Street

San Francisco, CA 94102

CASE NUMBER:  
**CGC 06-452792**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DAVID R. DONADIO, ESQ., STATE BAR NO. 154436

BRAYTON+PURCELL LLP

222 Rush Landing Road, Novato, CA 94948-6169

(415) 899-1656  
**GORDON PARKER**

DATE: JUN 1 2006 Clerk, by CRISTINA BAUTISTA, Deputy  
(Fecha) (Secretaria) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO PERSON SERVED: You are served**

(SEAL)

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):
3.  on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60(minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association of partnership)  CCP 416.90 (authorized person)  
 other (specify):
4.  by personal delivery on (date):

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3 AMERICAN STANDARD, INC.  
4 AQUA-CHEM, INC.  
5 ASBESTOS CORPORATION LIMITED  
6 CROWN CORK & SEAL COMPANY, INC.  
7 THOMAS DEE ENGINEERING CO., INC.  
8 DURABLA MANUFACTURING COMPANY, INC.  
9 THE GOODYEAR TIRE & RUBBER COMPANY  
10 FOSTER WHEELER LLC  
11 GARLOCK SEALING TECHNOLOGIES, LLC  
12 GENERAL REFRACTORIES  
13 GENERAL ELECTRIC COMPANY  
14 OWENS-ILLINOIS, INC.  
15 PARKER-HANNIFIN CORPORATION  
16 PLANT INSULATION COMPANY  
17 QUINTEC INDUSTRIES, INC.  
18 RAPID-AMERICAN CORPORATION  
19 RILEY POWER INC.  
20 THORPE INSULATION COMPANY  
21 UNIROYAL HOLDING, INC.  
22 VIACOM, INC.  
23 WESTERN MacARTHUR COMPANY  
24 MacARTHUR COMPANY  
25 WESTERN ASBESTOS COMPANY  
26 IMO INDUSTRIES, INC.  
27 INGERSOLL-RAND COMPANY  
28 HOPEMAN BROTHERS, INC.  
29 J.T. THORPE & SON, INC.  
30 SHELL OIL COMPANY  
31 CHEVRON PRODUCTS COMPANY  
32 METROPOLITAN LIFE INSURANCE COMPANY  
33 GATKE CORPORATION  
34 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.  
35 UNDERWRITERS LABORATORIES, INC.  
36 PNEUMO ABEX LLC  
37 and DOES 1-8500,

38 Defendants.

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*7MO*  
CASE NUMBER: CGC-06-452792 ROBERT GARRITA VS. ASBESTOS DEFENDANTS (B\*P)A!

**NOTICE TO PLAINTIFF**

A Case Management Conference is set for:

**DATE:** JUN-21-2007

**TIME:** 1:30PM

**PLACE:** Department 206  
400 McAllister Street  
San Francisco, CA 94102-3680

All parties must appear and comply with Local Rule 3.3 and 3.4.

CRC 212 (g)(1) requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

Superior Court Alternative Dispute Resolution Coordinator  
400 McAllister Street, Room 103  
San Francisco, CA 94102  
(415) 551-3876

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DAVID R. DONADIO, ESQ., STATE BAR NO. 154436 BRAYTON PURCELL LLP 222 Rush Landing Road Novato, California 94948-6169 TELEPHONE NO.: (415) 898-1555		FAX NO.: (415) 898-1247	FOR COURT USE ONLY
ATTORNEY FOR (NAME): Plaintiff(s)		ENDORSED FILED <i>San Francisco County Superior Court</i>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		JUN 1 2006 GORDON PARK-LI, Clerk BY: CHRISTINA E. BAUTISTA Deputy Clerk	
CASE NAME: ROBERT GARRITANO vs. ASBESTOS DEFENDANTS (B-P)		CASE NUMBER: <b>CGC-06-452792</b>	JUDGE:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000)    (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	DEPT.:

*All five (5) items below must be completed (see instructions on page 2).*

## 1. Check one box below of the case type that best describes this case:

- Auto Tort  
 Auto (22)  
 Uninsured motorists (46)
- Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort  
 Asbestos (04)  
 Product Liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)
- Non-PI/PD/WD (Other) Tort  
 Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)
- Employment  
 Wrongful termination (36)  
 Other employment (15)

- Contract  
 Breach of contract/warranty (06)  
 Collections (09)  
 Insurance coverage (18)  
 Other contract (37)
- Real Property  
 Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)
- Unlawful Detainer  
 Commercial (31)  
 Residential (32)  
 Drugs (38)
- Judicial Review  
 Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

- Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)  
 Antitrust/trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental / Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)
- Enforcement of Judgment  
 Enforcement of judgment (20)
- Miscellaneous Civil Complaint  
 RJCO (27)  
 Other complaint (not specified above) (42)
- Miscellaneous Civil Petition  
 Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
c.  Substantial amount of documentary evidence  
d.  Large number of witnesses  
e.  Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court  
f.  Substantial post-judgment judicial supervision

## 3. Type of remedies sought (check all that apply):

- a.  Monetary    b.  Nonmonetary; declaratory or injunctive relief    c.  Punitive

## 4. Number of causes of action (specify): 7

5. This case  is  not a class action suit.

Date: 5/15/06

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

**PROOF OF SERVICE**

I am a citizen of the United States and am employed in the County of Sacramento. I am over the age of 18 years and not a party to the within cause; my business address is 1730 I Street, Suite 240, Sacramento, California 95814.

I am familiar with the business practice at my place of business for collection and processing of documents for mail. Documents so collected and processed, with postage fully prepaid, will be deposited with the United States Postal Service that same day in the ordinary course of business.

On **August 13, 2007**, I served the following document(s):

**NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1442(a)1  
AND 1446(a)**

On all interested parties in said cause, by delivering a true copy as follows:

**BY MAIL** I placed a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid. I deposited said envelope in the United States mail in Sacramento, California. C.C.P. §1013(a)(b)

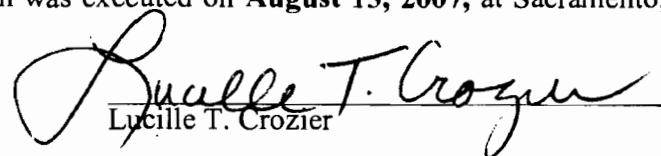
**BY PERSONAL SERVICE** I placed a true copy thereof enclosed in a sealed envelope and caused such envelope to be delivered by hand via \_\_\_\_\_ to the offices of the addressed below. C.C.P. §1011(a)(b)

**BY OVERNIGHT DELIVERY** I sent a true copy thereof for overnight delivery via FEDERAL EXPRESS. C.C.P. §1013(c)(d)

Each envelope (if applicable) was addressed as follows:

Mr. David Donadio  
**BRAYTON PURCELL, LLP**  
222 Rush Landing Road  
P.O. Box 6169  
Novato, California 94948-6169

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on **August 13, 2007**, at Sacramento, California.



Lucille T. Crozier